



Article 4. Recordkeeping and Reporting

§66262.40. Recordkeeping.

(a) A generator shall keep a copy of each manifest signed in accordance with section 66262.23(a) for three years or until the generator receives a signed copy from the designated facility which received the waste. This signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(b) A generator shall keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.

(c) A generator shall keep records of any test results, waste analyses, or other determinations made in accordance with section 66262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(d) The periods or retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the USEPA Administrator or the Department.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 CFR Section 262.40.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66262.41. Biennial Report.

(a) For the Biennial report on 1995 activities, only generators that are required under Title 40 of the Code of Federal Regulations (CFR), section 262.41 to prepare and submit this report are subject to this section. This report, due on March 1, 1996 is to be submitted on U.S. EPA form 8700-13A/B (5-80) (8-95) provided by the Department. Generators required to submit this report for activities conducted during 1995 are generators which meet any of the following criteria:

(1) The site generated in any single month 1,000 kg (2,200 lbs) or more of RCRA hazardous waste; or
(2) The site generated in any single month, or accumulated at any time, 1 kg (2.2 lbs) of RCRA acute hazardous waste; or

(3) The site generated or accumulated at any time more than 100 kg (220 lbs) of spill cleanup materials contaminated with RCRA acute hazardous waste; or

(4) The site treated, stored, or disposed of RCRA hazardous waste on site in units subject to RCRA permitting requirements during 1995.

(b) A generator who ships any hazardous waste offsite to a transfer, treatment, storage or disposal facility within the United States shall prepare and submit a single copy of a Biennial Report, EPA Form 8700-13A/B, 5-80, (Revised 11-89) to the Department by March 1 of each even-numbered year. The Biennial Report shall be submitted on forms provided by the Department and shall cover generator activities during the previous calendar year, and shall include the following information:

(1) the identification number, name and address of the generator;
(2) the calendar year covered by the report;
(3) the identification number, name and address for each off-site transfer, treatment, storage or disposal facility in the United States to which waste was shipped during the year;
(4) the name and Identification Number of each transporter used during the reporting year for shipments to a transfer, treatment, storage or disposal facility within the United States;

(5) a description, EPA hazardous waste number (from chapter 11, articles 3 or 4 of this division), California Hazardous Waste Category Number, from chapter 11, Appendix XII, DOT hazard class, and quantity of each hazardous waste shipped offsite to a transfer, treatment, storage or disposal facility within the United States. This information shall be listed by identification number of each such offsite facility to which waste was shipped. Wastes that are classified as non-RCRA hazardous wastes can be properly described by indicating a generic name of the waste and the phrase "Non-RCRA Hazardous Waste, Solid" or "Non-RCRA Hazardous Waste, Liquid" for solid or liquid wastes, respectively. When possible, the generic name shall be obtained from chapter 11, Appendix X, subdivision (e) of this division. If not listed, the commonly recognized industrial name of the waste shall be used;

(6) a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

(7) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984;

(8) the certification signed by the generator or authorized representative.

(c) Any generator who treats, stores or disposes of hazardous waste onsite shall submit an annual report covering those wastes in accordance with the provisions of chapters 20, 14, 15 and 16 of this division. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth in section 66262.56.

(d) Additional information concerning the quantities and disposition of wastes identified or listed in chapter 11 shall be required as needed by the Department or USEPA Administrator.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159,

25159.5, 25160 and 25244.4, Health and Safety Code; 40 CFR Section 262.41.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Editorial correction of printing error in subsection (a)(5) (Register 92, No. 49).
3. New subsections (a)-(a)(4) and subsection relettering filed 3-5-97; operative 4-4-97 (Register 97, No. 10).
4. Change without regulatory effect amending subsection (a) filed 6—7—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 24).

§66262.42. Exception Reporting.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(b) A generator shall submit an Exception Report to the Department if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report shall include:

- (1) a legible copy of the manifest for which the generator does not have confirmation of delivery;
- (2) a cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 CFR Section 262.42.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66262.43. Additional Reporting.

The Department may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in chapter 11 of this division.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 262.43.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66262.44. Reporting Hazardous Wastes of Concern Discovered by the Generator to be Missing.

(a) Generators, including those operating under a Permit by Rule, Conditional Authorization, or Conditional Exemption, shall comply with reporting requirements set forth in this section, in the event that a hazardous waste of concern, as defined in section 66261.111(a), is discovered to be missing during storage including generator accumulation areas within the facility, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c).

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the generator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and provide the following information:

- (1) Generator name and identification number;
- (2) Waste information (information that is typically provided on the manifest or as detailed on a material safety data sheet), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12), quantity or volume of waste at issue, weight or volume units, and waste codes; and
- (3) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., areas at the facility where the waste was handled, stored or transported within the facility).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after the reportable quantity or difference was discovered, the generator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest.

(1) If the hazardous waste generator is located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial, submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) If the hazardous waste generator is located in any other county, submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

(d) Generators that handle hazardous wastes of concern will identify themselves as such when complying with Health and Safety Code section 25205.16.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25150, 25169.7 and 58012, Health and Safety Code.

1. New section filed 12-27-2005; operative 1-26-2006 (Register 2005, No. 52).

§66262.45. Certification Requirements for the Generator.

(a) A generator who operates or authorizes the operation of a transportable treatment unit (TTU) to treat hazardous waste on-site as specified in section 67450.3(a)(8)(A) shall sign a certification stating:

(1) The generator of the waste has established a program to reduce the volume, quantity and toxicity of the hazardous waste to the degree, determined by the generator, to be economically practicable; and

(2) The proposed method of treatment is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment.

(b) A generator who operates a TTU to treat waste on-site shall include the certification with each notification required by section 67450.3(a)(3). A generator who authorizes an independent TTU owner or operator to treat waste on-site shall provide the certification to the TTU owner or operator.

(c) A generator who operates a fixed treatment (FTU) to treat hazardous waste on-site as specified in section 67450.3 shall sign, and provide with each notification required in sections 67450.2(b)(3)(H) and 67450.3(c), a certification stating:

(1) The generator of the waste has established a program to reduce the volume and quantity and toxicity of the hazardous waste to the degree, determined by the generator, to be economically practicable; and

(2) The proposed method of treatment is that practicable method currently available to the generator which minimizes the present and future threat to human health and the environment.

NOTE: Authority cited: Sections 208 and 25150, Health and Safety Code. Reference: Sections 25150 and 25202.9, Health and Safety Code.

HISTORY

1. New section filed 10-23-91; operative 1-1-92 (Register 92, No. 12).

§66262.47. Operating Limits for Generators Using Transportable Treatment Units Operating Pursuant to a Permit by Rule.

A generator who treats or authorizes the treatment of hazardous waste with a transportable treatment unit (TTU) pursuant to section 67450.3(a)(8)(A) shall not allow any TTU or combination of TTUs to be operated on-site for more than one year, unless DTSC authorizes an extension to the TTU company pursuant to section 67450.3(a)(8)(A).

NOTE: Authority cited: Sections 25150, 58004 and 58012, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

HISTORY

1. New section filed 10-23-91; operative 1-1-92 (Register 92, No. 12).

2. Change without regulatory effect amending section and NOTE filed 3-26-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).